

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2007-242

EMILY WINSTEAD BRADSHER
598 Slade Road
Blanch, North Carolina 27212

Registered Nurse License 618922,

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 10, 2009.

IT IS SO ORDERED June 10, 2009.

 MSN RN FNP-BC
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
2 of the State of California
3 ALFREDO TERRAZAS,
4 Senior Assistant Attorney General
5 ARTHUR D. TAGGART, State Bar No. 083047
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13 Attorneys for Complainant

14 **BEFORE THE**
15 **BOARD OF REGISTERED NURSING**
16 **DEPARTMENT OF CONSUMER AFFAIRS**
17 **STATE OF CALIFORNIA**

18 In the Matter of the Accusation Against:

Case No. 2007-242

19 **EMILY WINSTEAD BRADSHER**
20 598 Slade Road
21 Blanch, North Carolina 27212

STIPULATED SURRENDER
OF LICENSE AND ORDER

22 Registered Nurse License 618922,

23 Respondent.

24 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this
25 proceeding that the following matters are true:

26 **PARTIES**

27 1. Ruth Ann Terry, M.P.H., R.N. (Complainant), is the Executive Officer of
28 the Board of Registered Nursing. She brought this action solely in her official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Arthur D. Taggart, Supervising Deputy Attorney General.

2. Emily Winstead Bradsher (Respondent) is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about May 28, 2003, the Board of Registered Nursing issued
Registered Nurse License No. 618922 to Emily Winstead Bradsher (Respondent). The license

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1 was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-
2 242 and will expire on May 31, 2007, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2007-242 was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on April 3, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2007-242 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations
11 in Accusation No. 2007-242. Respondent also has carefully read, and fully understands the
12 effects of this Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
16 the right to present evidence and to testify on her own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 2007-242, agrees that cause exists for discipline and hereby surrenders her
25 Registered Nurse License No. 618922 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the
27 Board to issue an order accepting the surrender of her Registered Nurse License without further
28 process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 618922, issued to Respondent Emily Winstead Bradsher is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

1 15. Respondent shall cause to be delivered to the Board both her license wall
2 and pocket license certificate on or before the effective date of the Decision and Order.

3 16. Respondent understands and agrees that if she ever applies for licensure or
4 petitions for reinstatement in the State of California, the Board shall treat it as a petition for
5 reinstatement. Respondent must comply with all the laws, regulations and procedures for
6 licensure in effect at the time the application or petition is filed, and all of the charges and
7 allegations contained in Accusation No. 2007-242 shall be deemed to be true, correct and
8 admitted by Respondent when the Board determines whether to grant or deny the application or
9 petition.

10 17. Respondent shall not apply for licensure or petition for reinstatement for
11 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

12 18. Respondent shall pay the Board its costs of investigation and enforcement
13 in the amount of \$367.75 prior to seeking reinstatement of licensure as a registered nurse with the
14 Board.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand that I have a right to retain counsel at my own expense, and I have chosen to waive that right. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 4-7-2009


EMILY WINSTEAD BRADSHER
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 4/16/2009

EDMUND G. BROWN JR., Attorney General
of the State of California


ARTHUR D. TAGGART
Supervising Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 2007-242

COPY

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
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12 In the Matter of the Accusation Against:

Case No. 2007-242

13 EMILY WINSTEAD BRADSHER
598 Slade Road
14 Blanch, North Carolina 27212

A C C U S A T I O N

15 Registered Nurse License No. 618922

16 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about May 28, 2003, the Board issued Registered Nurse License
24 Number 618922 to Emily Winstead Bradsher ("Respondent"). The registered nurse license will
25 expire on May 31, 2007, unless renewed.
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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

5. Section 2761 of the Code states in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

7. Respondent's registered nurse license is subject to disciplinary action under Code section 2761(a)(4) on the grounds of unprofessional conduct, in that effective August 24, 2006, pursuant to the letter dated August 29, 2006, from the North Carolina Board of

1 Nursing to Emily Winstead Bradsher (attached hereto as **Exhibit A**), Respondent voluntarily
2 surrendered her North Carolina nursing license.

3 **PRAYER**


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 618922, issued
7 to Emily Winstead Bradsher;

8 2. Ordering Emily Winstead Bradsher to pay the Board of Registered
9 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code
10 section 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: 3/26/07

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17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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